

DECISION

24320
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-209927**DATE:** January 13, 1983**MATTER OF:** Adult and Family Services Division of the
Department of Human Resources, State of
Oregon**DIGEST:**

Under our Bid Protest Procedures, protests filed initially with the contracting agency must be filed in our Office within 10 working days of actual or constructive knowledge of initial adverse agency action.

The Adult and Family Services Division of the Department of Human Resources, State of Oregon (State), protests the rejection of its proposal by the United States Department of Agriculture's Food and Nutrition Service (FNS) for operation of an expanded demonstration project providing cash in lieu of food stamps to qualified persons. The FNS rejected the State's proposal because it was late.

We dismiss the protest as untimely.

The RFP was issued August 9, 1982, and proposals were due by September 9. State sent its proposal to the FNS on September 1 by a commercial delivery service. On September 20, it received a letter from the FNS dated September 15, advising that its proposal was rejected on the basis that it was received approximately 2 hours late. State, on September 20, verbally protested the rejection to the FNS and the FNS advised State on September 25 that its proposal "could not be accepted because the deadline was a contract requirement." On October 9, State was advised by telephone that its protest had been rejected.

Under our Bid Protest Procedures, protests filed initially with the contracting agency, as here, must be filed in our Office within 10 working days of actual or constructive knowledge of initial adverse agency action. 4 C.F.R. § 21.2(a) (1982). State was advised of the rejection of its protest by the FNS at the latest on October 9. Therefore, the protest filed with our Office on November 22, 1982, more than 10 working days after October 9, is untimely.

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The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel